

WQ
129254

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 7, 2022 1:14 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016143001
Attachments: TCEQ Permit Application - Quadvest LP.pdf

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From: mmerrell@mcfarlandpllc.com <mmerrell@mcfarlandpllc.com>
Sent: Friday, October 7, 2022 11:43 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016143001

REGULATED ENTY NAME WESTHAVEN WWTP

RN NUMBER: RN111474318

PERMIT NUMBER: WQ0016143001

DOCKET NUMBER:

COUNTY: HARRIS

PRINCIPAL NAME: QUADVEST LP

CN NUMBER: CN602944746

FROM

NAME: Mark Merrell

EMAIL: mmerrell@mcfarlandpllc.com

COMPANY: McFarland PLLC

ADDRESS: 811 LOUISIANA ST Suite 2520
HOUSTON TX 77002-1446

PHONE: 7133259705

FAX:

COMMENTS: We represent Robert Humphrey, the owner of approximately 500 acres of land in northwest Harris County near the intersection of Mayer Road and FM 362 in Waller, Texas. The property is directly across Mayer Road from the planned development known as Westhaven Manor. The proposed Westhaven Manor development encompasses approximately 195 acres and will consist of 741 single family homes. In connection with that proposed development,

Quadvest, L.P. submitted a water quality permit to the Texas Commission on Environmental Quality. That permit is identified as Proposed Permit No. WQ0016143001 and is attached hereto. The proposed permit is for the discharge of treated wastewater. The permit states that the "discharge route will be from the plant site to a series of detention ponds; thence to an unnamed tributary; thence to Japhet Lake; thence to Lynch Lake; thence to Spring Creek." Mr. Humphrey was provided notice of the proposed permit by letter on or about September 28, 2022. The aforementioned Japhet Lake is located wholly on Mr. Humphrey's property. The discharge route stated in the permit is incorrect. The discharge will not flow from Japhet Lake to Lynch Lake. Instead, it will flow north from Japhet Lake onto the Lazy W Ranch and thence to Spring Creek, thereby bypassing Lynch Lake. Mr. Humphrey files this comment and request for a contested hearing as a person adversely affected by the proposed facility. Please forward any correspondence on this matter to the following: McFarland PLLC c/o Charles B. McFarland 811 Louisiana, Suite 2520 Houston, Texas 77002 You can also forward correspondence to the following email address: cmcfarland@mcfarlandpllc.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016143001

APPLICATION. Quadvest, L.P., 26926 Farm-to-Market Road 2978, Magnolia, Texas 77354, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016143001 (EPA I.D. No. TX0142727) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 500,000 gallons per day. The domestic wastewater treatment facility will be located approximately 3,000 feet southeast of the intersection of Farm-to-Market Road 362 and Mayer Road, in Harris County, Texas 77484. The discharge route will be from the plant site to a series of detention ponds; thence to an unnamed tributary; thence to Japhet Lake; thence to Lynch Lake; thence to Spring Creek. TCEQ received this application on April 7, 2022. The permit application is available for viewing and copying at Northwest Branch Library, 11355 Regency Green Drive, Cypress, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-95.943333%2C30.118888&level=12>

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing

to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Quadvest, L.P. at the address stated above or by calling Mr. Jeff Goebel, Consultant, at 713-724-9321.

Issuance Date: August 30, 2022